

**PROTECTIVE COVENANTS FOR
LOWING WOODS NO. 9**
located in
Georgetown Township, Ottawa County, Michigan

West Michigan Development Company, a Michigan Corporation, being the owners of land located in Georgetown Township, Ottawa County, Michigan, known as Lowing Woods No. 8, viz:

Lots 208 through 239, inclusive, Lowing Woods No. 9, part of the NW
1/4 of Section 9, T6N, R13W, Georgetown Township, Ottawa County,
Michigan, according to the recorded plat thereof,

do hereby for themselves, their assigns and heirs, record among the land records and make part of the terms and conditions of any deed or deed executed or recorded hereafter, the following restrictions and covenants which shall run with the land.

It is hereby agreed that the following set of restrictive covenants as required by the Ottawa County Water Resources Commissioner shall be recorded as blanket encumbrances against all of the lots above described, and the parties hereto for themselves, their assigns and heirs, in order to keep the plat desirable, uniform and suitable in design and use for present and future owners, do hereby agree as follows:

Ottawa County Drain Restrictions

1. Floor and Opening Elevation Restrictions

- a. The lowest allowable floor elevations are set at 1' or more above the high ground water elevation. The lowest allowable opening elevations are set 1' or more above the 100-year floodplain or hydraulic gradeline of the storm system. These elevations are set to reduce the risk of structural damage and the flooding of residential interiors. A waiver from elevations may be granted by the Ottawa County Water Resources Commissioner following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.
- b. The elevations are based on the following benchmarks:

BENCHMARK A

Benchmark Elevation 710.00

Spindle N side 30" hickory, 16'N & 54'E of SE cor. Sec. 5

BENCHMARK B

Benchmark Elevation 716.46

Spindle S side 30" oak, 20'N of CL Tyler & 45'W mailbox #3320

Lot	Minimum Opening Elevations
208	667.0
209	667.0
210	667.0
211	665.0
212	665.0
213	665.0
214	665.0
215	665.0
216	665.0
217	667.0
218	669.0
219	671.0
220	671.0
221	671.0
222	671.0
223	671.0
224	680.0
225	682.0
226	682.0
227	682.0
228	682.0
229	683.0
230	690.0
231	682.0
232	682.0
233	680.0
234	678.0
235	674.0
236	672.0
237	673.0
238	669.0
239	671.0

2. Easement for Drainage

The “Private Easements for Drainage” as shown on the plat are for the benefit of upland lots within the subdivision and any improper construction, developments, or grading that occurs within these easements will interfere with the drainage rights of those upland lots. The Private Easements for Drainage are for the continuous passage of surface drainage and each lot owner will be responsible for maintaining the surface drainage system across their property. No structure is permitted within an Easement for Drainage. This includes, but is not limited to, swimming pools, sheds, garages, patios, decks, fences, or other permanent structures or landscaping features that may interfere with surface drainage or maintenance of subsurface systems.” No dumping of grass clippings, leaves, brush or other refuse is allowed within a drain easement. These items obstruct drainage, restrict flow and plug culverts. This can lead to higher maintenance costs and cause flooding situations.

3. Block Grading Plan (EXHIBIT “A”)

The block grading plan shows the direction of flow for the surface drainage for all lots. It is the lot owner’s responsibility to ensure that the final grading of the lot is in accordance with the block grading plan. During the final lot grading and landscaping, the owner shall take care to ensure that the installation of fences, plantings, trees, and shrubs do not interfere with nor concentrate the flow of surface drainage. No changes will be made in the grading of any lot areas used as drainage systems which would later affect surface run-off drainage patterns without the prior written consent of the Ottawa County Water Resources Commissioner for all portions of systems.

4. Footing Drains & Sump Pumps

- a. Where necessary outlets for footing drain laterals are to be provided for each lot. It is the responsibility of the proprietor to provide upon each lot a marker or monument which indicates the location of a sump pump lateral access point. Laterals are to be constructed of schedule 40 PVC or an approved equivalent. The Commissioner does not warranty long term operation or maintenance of footing drains or their laterals.
- b. Water from such sources as eaves, troughs, and footing drains shall be directed to footing drain laterals provided for the lots. If no lateral is provided, the lot owner shall discharge said water in such a manner as to not impact neighboring land, lots or public streets.
- c. Laundry facilities or other similar features shall not be connected to a footing drain or sump pump system discharging to footing laterals and the storm sewer system.

Laundry facilities and sewage lift pumps must be drained to the sanitary sewage disposal system.

6. Each individual lot owner will be responsible for the erosion control measures necessary on each lot to keep loose soil from their construction activities out of the street, catch basins, and off of adjacent property. If any sedimentation in the street, catch basins, or adjacent lots results from construction for a particular site, it is the responsibility of that lot owner to have this cleaned up. This applies to ALL lot owners.

A Soil Erosion and Sedimentation Control Permit must be obtained from the Ottawa County Water Resources Commissioner's Office prior to excavation for Lots 208 through 239. All conditions set forth by permit shall be met throughout construction activity until permit is allowed to expire.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this _____ day of _____, 2016.

West Michigan Development Company
1188 East Paris Ave., Ste. 100
Grand Rapids, Michigan 49546

Michael A. McGraw
President

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
COUNTY OF OTTAWA)^{SS.}

On this _____ day of _____, 2016, before me, a notary public, personally appeared Michael A. McGraw, President of the above named Corporation, to me known to be the person who executed the foregoing instrument and to me known to be such President of said Corporation, and acknowledged that he executed the foregoing instrument as such officer as the free act and deed of said Corporation, by its authority.

Notary Public, _____ County, Michigan
My commission expires: _____
Acting in _____ County

This instrument prepared by:
West Michigan Development Company
1188 East Paris Ave., Ste. 100
Grand Rapids, MI 49546